

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PACIFIC HEALTH ADVANTAGE d/b/a
PACADVANTAGE,

Plaintiff,

v.

CAP GEMINI ERNST & YOUNG,

Defendant.

Case No. 07 Civ. 3725 (CM)

AFFIDAVIT OF GERALD D. SILVER

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

GERALD D. SILVER, being duly sworn, deposes and says:

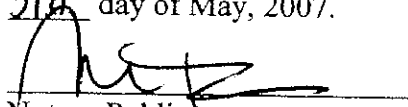
1. I am a member of Winston & Strawn LLP, attorneys for defendant Capgemini U.S. LLC, formerly known as Cap Gemini Ernst & Young U.S. LLC. I submit this affidavit in support of Capgemini's motion to dismiss the Complaint of plaintiff Pacific Health Advantage d/b/a PacAdvantage. I am fully familiar with the prior proceedings of this action.

2. A true and correct copy of the Complaint in this action is annexed hereto as Exhibit A.

3. A true and correct copy of the agreement in this action dated on or about December 19, 2002 and referenced in the Complaint is annexed hereto as Exhibit B.


Gerald D. Silver

Sworn to before me this
31st day of May, 2007.


Notary Public

NY:1113212.1

MARITZA TORRES
Notary Public, State of New York
No. 01TO5085523
Qualified in Queens County
Commission Expires Nov. 4, 2008